

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CANDIDO RAMIREZ TAPIA,**  
*Plaintiff,*

**VS.**

**DOORDASH, INC. AND  
JASON MILLER,**  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 4:21-cv-474**

**EXHIBIT A – INDEX OF MATTERS BEING FILED**

<b>TAB</b>	<b>DATE</b>	<b>DOCUMENT</b>
1	n/a	Docket Sheet
2	1/11/2021	Plaintiff's Original Petition
3	1/11/2021	Request for Issuance of Service on DoorDash, Inc.
4	1/11/2021	Request for Issuance of Service on Jason Miller
5	1/14/2021	Executed Return of Service for DoorDash, Inc.
6	2/1/2021	Defendant DoorDash, Inc.'s Original Answer and Affirmative Defenses

Respectfully submitted,

By: /s/ Karl Seelbach  
Trek Doyle  
State Bar No. 00790608  
[trek@doyleseelbach.com](mailto:trek@doyleseelbach.com)  
Karl Seelbach  
State Bar No. 24044607  
[karl@doyleseelbach.com](mailto:karl@doyleseelbach.com)  
Ryan Cantu  
State Bar No. 24076853  
[ryan@doyleseelbach.com](mailto:ryan@doyleseelbach.com)

Doyle & Seelbach PLLC  
7700 W. Highway 71, Ste. 250  
Austin, Texas 78735  
512.960.4890 phone  
[doyleseelbach.com](http://doyleseelbach.com)

*ATTORNEYS FOR DEFENDANT  
DOORDASH, INC.*



Doyle & Seelbach

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 11th day of February, 2021.

Leena Joseph  
Law Offices of Domingo Garcia LLP  
6200 Gulf Freeway, Suite 410  
Houston, Texas 77023  
713.432.7785 fax  
ljoseph@millerweisbrod.com

*ATTORNEY FOR PLAINTIFF*

TAB 1

**HCDistrictclerk.com**

TAPIA, CANDIDO RAMIREZ vs. DOORDASH INC

2/5/2021

Cause: 202101320

CDI: 7

Court: 234

**APPEALS**

No Appeals found.

**COST STATMENTS**

No Cost Statments found.

**TRANSFERS**

No Transfers found.

**POST TRIAL WRITS**

No Post Trial Writs found.

**ABSTRACTS**

No Abstracts found.

**SETTINGS**

No Settings found.

**NOTICES**

No Notices found.

**SUMMARY****CASE DETAILS**

<b>File Date</b>	1/11/2021
<b>Case (Cause) Location</b>	Civil Intake 1st Floor
<b>Case (Cause) Status</b>	Active - Civil
<b>Case (Cause) Type</b>	Motor Vehicle Accident
<b>Next/Last Setting Date</b>	N/A
<b>Jury Fee Paid Date</b>	N/A

**CURRENT PRESIDING JUDGE**

<b>Court</b>	234th
<b>Address</b>	201 CAROLINE (Floor: 13) HOUSTON, TX 77002 Phone:7133686350
<b>JudgeName</b>	LAUREN REEDER
<b>Court Type</b>	Civil

**ACTIVE PARTIES**

Name	Type	Post Jdgm	Attorney
TAPIA, CANDIDO RAMIREZ	PLAINTIFF - CIVIL		JOSEPH, LEENA TREASA
DOORDASH INC	DEFENDANT - CIVIL		SEELBACH,

KARL  
WILLIAM

MILLER, JASON	DEFENDANT - CIVIL
DOORDASH INC MAY BE SERVED BY SERVING ITS REGISTERED AGENT	REGISTERED AGENT

**INACTIVE PARTIES**

No inactive parties found.

**JUDGMENT/EVENTS**

Date	Description	Order Signed	Post Jdgm	Pgs	Volume /Page	Filing Attorney	Person Filing
2/1/2021	ANSWER ORIGINAL PETITION			0		SEELBACH, KARL WILLIAM	DOORDASH INC
1/11/2021	ORIGINAL PETITION			0		JOSEPH, LEENA TREASA	TAPIA, CANDIDO RAMIREZ

**SERVICES**

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE	RETURN/EXECUTED	ORIGINAL PETITION	DOORDASH INC MAY BE SERVED BY SERVING ITS REGISTERED AGENT	1/11/2021	1/12/2021	1/12/2021		1/14/2021	73829843	E-MAIL
1701 DIRECTORS BOULEVARD SUITE 300 AUSTIN TX 78744										
CITATION SERVICE	ISSUED/IN POSSESSION OF SERVING AGENCY	ORIGINAL PETITION	MILLER, JASON	1/11/2021	1/12/2021				73829845	E-MAIL
8181 FANNIN ST APT 2337 HOUSTON TX 77054										

**DOCUMENTS**

Number	Document	Post Jdgm	Date	Pgs
94183633	Defendant Doordash, Inc.'s Original Answer and Affirmative Defenses		02/01/2021	5
93940851	Citation - Doordash Inc		01/14/2021	1
93865646	Plaintiffs Original Petition		01/11/2021	5
-> 93876535	Request for Issuance of Service		01/11/2021	1
-> 93876536	Request for Issuance of Service		01/11/2021	1

TAB 2



CAUSE NO. \_\_\_\_\_

CANDIDO RAMIREZ TAPIA

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

DOORDASH, INC. AND  
JASON MILLER

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Candido Ramirez Tapia ("Plaintiff"), and file this Original Petition complaining of and against Doordash, Inc. and Jason Miller ("Defendants"), and would respectfully show the Court as follows:

**I. DISCOVERY LEVEL**

Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00 and a demand for judgment for all the other relief to which Plaintiff deems himself entitled.

Plaintiff intends to conduct discovery in this matter under Level 2 of Texas Rule of Civil Procedure 190.3.

**II. PARTIES**

Plaintiff is a resident of Harris County, Texas.

Defendant, Doordash, Inc., is a foreign company doing business in the State of Texas and can be served with process by serving its registered agent, Registered Agent Solutions, Inc., 1701 Directors Boulevard, Suite 300, Austin, Texas 78744. Service on Defendant is hereby requested at this time.

Defendant, Jason Miller, is a resident of Harris County, Texas, and may be served with

process at his home address: 8181 Fannin St. Apt. 2337, Houston, Texas, 77054 or wherever he may be found. Service on Defendant is hereby requested at this time.

### **III. JURISDICTION & VENUE**

The Court has subject matter jurisdiction over this matter because the amount in controversy exceeds the minimum jurisdictional limit of the Court. Venue is proper in Harris County, Texas, as this is the county in which the cause of action occurred.

### **IV. FACTUAL BACKGROUND**

On October 21, 2019, Defendant Jason Miller was driving a 2018 Toyota Camry in the parking lot of a McDonalds Restaurant located on 2016 Main in Houston, Texas. Defendant failed to yield the right of way backing out of his parking spot and struck a pedestrian that was walking behind Defendant's vehicle. At the time of the collision in question Defendant Jason Miller was acting in the course and scope of his employment/independent contractorship with Defendant Doordash, Inc. Plaintiff sustained bodily injuries as a result of this incident.

### **V. NEGLIGENCE OF JASON MILLER**

As Defendant Jason Miller operated his vehicle at the time of the incident, he had a duty to exercise ordinary care in the operation of the same, to drive the vehicle in a reasonable and prudent manner, and to abide by the provisions of Chapter 545 of the Texas Transportation Code. Defendant Jason Miller negligently breached these duties in one or more of the following respects:

- A. In failing to yield the right of way to pedestrian;
- B. In backing when unsafe to do so;
- C. In failing to keep a proper lookout;
- D. In failing to pay proper time and attention to the driving task;
- E. In failing to control the speed of his vehicle in violation of Texas Transportation Code §545.351;
- F. In failing to obey the statutes of the State of Texas as they pertain to the operation of a motor vehicle.

Defendant Jason Miller's negligence was the sole proximate cause of the collision, as well as the bodily-injury damages Plaintiff suffered as a result of his involvement in the collision.

#### **VI. NEGLIGENCE OF DOORDASH, INC.**

At the time of the incident, Jason Miller was operating a vehicle in the course and scope of his employment/independent contractorship with Doordash, Inc. Doordash, Inc. is legally responsible to Plaintiff for the negligent conduct of Jason Miller under the legal doctrines of respondeat superior, agency and/or ostensible agency because Jason Miller was at all times material hereto an agent, ostensible agent, servant and/or employee of Doordash, Inc., and was acting within the course and scope of such agency or employment. As a result thereof, Doordash, Inc. is vicariously liable for all negligence of Jason Miller.

Doordash, Inc. was also negligent in its hiring, training, supervision, monitoring and retention of Jason Miller, and such negligence proximately caused the collision and Plaintiff's injuries and damages.

Plaintiffs plead the foregoing facts and theories cumulatively and alternatively, with no election or waiver of rights or remedies.

#### **VII. DAMAGES**

Because of the actions and conduct of Defendant set forth above, Plaintiffs suffered bodily injuries and damages. By reason of those injuries and the damages flowing in law therefrom, Plaintiff maintains this suit.

Because of the nature and severity of the injuries Plaintiff sustained, he has suffered physical pain, mental anguish, and physical impairment, and in reasonable probability, will continue to suffer physical pain, mental anguish, and physical impairment into the future.

The injuries sustained by Plaintiff have required medical treatment in the past and, in reasonable probability, will require other and additional medical treatment in the future. Charges incurred by Plaintiff for such medical treatment in the past and those which will in reasonable probability be incurred in the future have been and will be reasonable charges made necessary by the incident in question.

#### **VIII. RESERVE THE RIGHT TO AMEND & SUPPLEMENT**

These allegations against Defendants are made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of adding parties to and/or dismissing parties from the case. The right to do so is, under Texas law, expressly reserved.

#### **IX. PRE-JUDGMENT INTEREST**

Plaintiff would additionally say and show that he is entitled to recovery of pre-judgment interest in accordance with law and equity as part of her damages herein, and Plaintiff here and now sue for recovery of pre-judgment interest as provided by law and equity under the applicable provisions of the laws of the State of Texas.

#### **X. RULE 193.7 NOTICE**

Plaintiff hereby give actual notice to Defendants that any and all documents produced may be used against them during any pretrial proceeding and/or at trial without the necessity of authenticating the documents as permitted by Texas Rule of Civil Procedure 193.7.

#### **XI. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to

appear and answer herein, and that upon final trial, Plaintiff recover actual damages as specified above from Defendants, jointly and severally, plus costs of Court, pre-judgment and post-judgment interest at the legal rate, and have such other and further relief, general and special, at law and in equity, to which Plaintiff may be justly entitled under the facts and circumstances.

Respectfully submitted,

**LAW OFFICES OF DOMINGO GARCIA, L.L.P.**

6200 Gulf Freeway, Suite 410  
Houston, Texas 77023  
Telephone: (713) 349-1500  
Facsimile: (713) 432-7785

**/s/ Leena Joseph**

LEENA JOSEPH

State Bar No.: 24084374

[ljoseph@millerweisbrod.com](mailto:ljoseph@millerweisbrod.com)

**ATTORNEY FOR PLAINTIFF**

TAB 3

HARRIS COUNTY DISTRICT CLERK

1/11/2021 12:09:55 PM  
 Marilyn Burgess - District Clerk  
 Harris County  
 Envelope No: 49576423  
 By: SALGADO, CAROLINA  
 Filed: 1/11/2021 12:09:55 PM

Phone Number: (713) 346-1500

TAB 4





# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

1/11/2021 12:10:00 PM  
 Marilyn Burgess - District Clerk  
 Harris County  
 Envelope No: 49576423  
 By: SALGADO, CAROLINA  
 Filed: 1/11/2021 12:10:00 PM

### Request for Issuance of Service

**CASE NUMBER:** \_\_\_\_\_ **CURRENT COURT:** \_\_\_\_\_  
**Name(s) of Documents to be served:** \_\_\_\_\_

**FILE DATE:** January 11, 2021 Month/Day/Year

**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):**

**Issue Service to:** Jason Miller

**Address of Service:** 8181 Fannin St., Apt. 2337

**City, State & Zip:** Houston, Texas 77054

**Agent (if applicable)** \_\_\_\_\_

**TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)**

- |  |   |   |   |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation                   | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication        | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | Newspaper _____                                       |   |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                         |   |
| <input type="checkbox"/> Protective Order                      |   |   |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance)   | <input type="checkbox"/> Attachment (not by E-Issuance) |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |   |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   |   | <input type="checkbox"/> Garnishment                |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance)     | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration                  |   |
| <input type="checkbox"/> Subpoena                              |   |   |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |   |   |

(See additional Forms for Post Judgment Service)

#### SERVICE BY (check one):

- |   |  |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____   | <input checked="" type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged) |
| <input type="checkbox"/> MAIL to attorney at: _____       |  |
| <input type="checkbox"/> CONSTABLE                        |  |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk |  |

☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ **OTHER, explain** \_\_\_\_\_

**Issuance of Service Requested By: Attorney/Party Name:** Leena Joseph Bar # or ID 24064374

**Mailing Address:** 6200 Gulf Freeway, Suite 410, Houston, TX 77023

**Phone Number:** (713) 346-1500

TAB 5

CAUSE NUMBER: 2021-01320

**CANDIDO RAMIREZ TAPIA**  
**PLAINTIFF****IN THE 234TH JUDICIAL DISTRICT**  
**COURT OF HARRIS COUNTY, TEXAS****VS.****DOORDASH, INC. AND JASON MILLER**  
**DEFENDANT****RETURN OF SERVICE**

My name is **JONATHON JOE**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

ON **Tuesday January 12, 2021 AT 10:17 AM - CITATION, PLAINTIFF'S ORIGINAL PETITION**, came to hand for service upon **DOORDASH, INC. BY SERVING ITS REGISTERED AGENT REGISTERED AGENT SOLUTIONS INC.**

On **Tuesday January 12, 2021 at 03:09 PM - The above named documents were hand delivered to: DOORDASH, INC. BY SERVING ITS REGISTERED AGENT REGISTERED AGENT SOLUTIONS INC @ 1701 DIRECTORS BOULEVARD, SUITE 300, AUSTIN, TX 78744, in Person.** By delivering to Jessica Wittry, registered agent

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **JONATHON JOE**, my date of birth is 07/27/1973 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Travis County, State of Texas** on **Wednesday January 13, 2021**

**/s/JONATHON JOE**  
Declarant

**PSC#17055 EXP. 11/30/21**  
Appointed in accordance with State Statutes

2021.01.527541

TAB 6

CAUSE NO. 2021-01320

CANDIDO RAMIREZ TAPIA,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
VS.	§	234TH JUDICIAL DISTRICT
	§	
DOORDASH, INC. AND	§	
JASON MILLER,	§	
Defendants.	§	HARRIS COUNTY, TEXAS

**DEFENDANT DOORDASH, INC.'S ORIGINAL  
ANSWER AND AFFIRMATIVE DEFENSES**

Defendant DoorDash, Inc. ("Defendant") hereby submits its Original Answer and Affirmative Defenses to Plaintiff's Original Petition and would show as follows:

**GENERAL DENIAL**

1. Without waiving any other defenses Defendant may have or hereafter come to have or urge, Defendant generally denies each and every material allegation in Plaintiff's Original Petition (and all subsequent amended and supplemental petitions filed herein) pursuant to Rule 92 of the Texas Rules of Civil Procedure and demands strict proof thereof by a preponderance of the evidence or by clear and convincing evidence as the law requires.

**AFFIRMATIVE DEFENSES**

Without conceding that the following are affirmative defenses for which Defendant bears the burden of proof, Defendant asserts that:

2. Defendant relies upon the proportionate responsibility provisions of Chapter 33 of the Texas Civil Practice & Remedies Code. The responsibility of the parties and any designated responsible third parties must be compared and

assessed by the trier of fact. Defendant seeks contribution from any parties found responsible to the fullest extent allowed by law. Defendant asserts the inferential rebuttal defenses of unavoidable accident and/or sudden emergency.

3. Defendant contends Plaintiff has failed to state a viable claim against it because Defendant Jason Miller was an independent contractor over which Defendant asserted no control. Defendant did not employ Miller at the time of the accident and is not liable for his acts or omissions, if any. Likewise, Defendant did not own or exercise any control over the vehicle operated by Miller, whose relationship with Defendant, if any, would be that of an independent contractor. Accordingly, Defendant cannot be held liable under a theory of vicarious liability for any alleged acts or omissions of Defendant Miller.

4. To the extent Plaintiff seeks punitive or exemplary damages, Defendant relies upon the limitations and other provisions of Chapter 41 of the Texas Civil Practice & Remedies Code.

5. Any award of pre-judgment interest for damages that have not yet accrued would violate Defendant's rights to substantive and procedural due process under the Fifth and Fourteenth Amendments to the United States Constitution, as well as Article I, Sections 14, 16, and 19 of the Texas Constitution.

6. Defendant pleads further that any recovery of medical expenses or healthcare expenses allegedly incurred by Plaintiff, is limited to the amount actually paid or incurred by or on behalf of Plaintiff, if any, pursuant to Section 41.0105 of the Texas Civil Practice & Remedies Code. Defendant also requests

Plaintiff prove (1) reasonable and necessary medical or healthcare expenses do exist, (2) what part of the medical or healthcare expenses have actually been paid or for which Plaintiff remains liable; and (3) the medical or healthcare expenses claimed resulted from conduct of Defendant.

**OBJECTION AND/OR RESEVATION TO OBJECT  
TO PROPER NOTICE PURSUANT TO TEX. R. CIV. P. 193.7**

To the extent Plaintiff purports to invoke Texas Rule of Civil Procedure 193.7 or any similar rule, Defendant objects to its timeliness as discovery has not yet been exchanged and Plaintiff cannot, in good faith, provide proper notice that Plaintiff will use documents produced by Defendant against it. Defendant further disputes that its deadline to object, pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule, to the authenticity of a document Defendant may produce in the future is triggered by any notice contained in Plaintiff's petition. Defendant does not waive, and reserves the right, to object to documents later identified with specificity by Plaintiff in any future notice pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant DoorDash, Inc. prays that Plaintiff take nothing by his suit, that Defendant DoorDash, Inc. be dismissed from this action, awarded costs, and for such other and further relief to which Defendant DoorDash, Inc. may be justly entitled.

Respectfully submitted,

By: /s/ Karl Seelbach

Karl Seelbach

State Bar No. 24044607

[karl@doyleseelbach.com](mailto:karl@doyleseelbach.com)

Trek Doyle

State Bar No. 00790608

[trek@doyleseelbach.com](mailto:trek@doyleseelbach.com)

Ryan Cantu

State Bar No. 24076853

[ryan@doyleseelbach.com](mailto:ryan@doyleseelbach.com)

Doyle & Seelbach PLLC

7700 W. Highway 71, Suite 250

Austin, Texas 78735

512.960.4890 phone

[doyleseelbach.com](http://doyleseelbach.com)

*ATTORNEYS FOR DEFENDANT*

*DOORDASH, INC.*



Doyle & Seelbach



**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by fax and electronic delivery to counsel identified below on this, the 1st day of February, 2021.

Leena Joseph  
Law Offices of Domingo Garcia LLP  
6200 Gulf Freeway, Suite 410  
Houston, Texas 77023  
713.349.1500 telephone  
713.432.7785 fax  
ljoseph@millerweisbrod.com

*Attorney for Plaintiff*